

Message Text

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ACTION SS-25

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FM AMEMBASSY NAIROBI

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C O N F I D E N T I A L NAIROBI 9213

EXDIS

USUN FOR LOS DEL

E.O. 11652: GDS

TAGS: PLOS, KE

SUBJECT: LOS: SECRETARY'S MESSAGE TO KENYAN FOREIGN MINISTER
WAIYAKI

REF: NAIROBI 9179

1. AS REPORTED REFTTEL, SECRETARY'S LETTER DELIVERED TO LEONARD KIBINGE, PERMANENT SECRETARY, MINISTRY FOREIGN AFFAIRS, SATURDAY, AUGUST 28. KIBINGE SAID HE HANDED LETTER TO FOREIGN MINISTER WAIYAKI AT 11:15 A.M. SATURDAY. PRELIMINARY REACTION OF FOREIGN OFFICE, WHICH RESERVED RIGHT TO REPLY MORE DEFINITELY LATER, WAS THAT USG POSITION IS GENERALLY COMPATIBLE WITH GOK'S. IN ELABORATION OF POSSIBLE AREAS OF DIFFERENCE, KIBINGE SAID GOK HAS REJECTED COMPULSORY SETTLEMENT OF DISPUTES WITHIN 200-MILE ECONOMIC ZONE. GOK PREFERS "PEACEFUL SETTLEMENT," WHICH COULD ENCOMPASS COMPULSORY NEGOTIATIONS BUT NOT COMPULSORY SETTLEMENT. OTHERWISE, KIBINGE SAID, NATIONS WOULD FIND THEMSELVES IN COURT EVERY DAY OVER DISPUTES WHICH ARE BOUND TO ARISE, FOR EXAMPLE, OVER SUBMARINES, CABLES OR PIPELINES. HE SAID GOK IN PRINCIPLE LEANS TOWARD LOCAL CONTROL AND LESS "AUTOMATICITY" IN SETTLING DISPUTES WITHIN THE ECONOMIC ZONE.

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2. IN SUBSEQUENT DISCUSSION WITH AMBASSADOR AUGUST 30, KIBINGE SAID GOK IS AGAINST TRANSNATIONAL CORPORATIONS "INVESTING" IN INTERNATIONAL AUTHORITY, AN ACTION WHICH MIGHT ALLOW THEIR PARTICIPATION IN MANAGEMENT AND CONTROL, IN OTHER WORDS, INTERNATIONAL AUTHORITY SHOULD RETAIN FULL MANAGEMENT AND CONTROL WHILE MERELY LICENSING TRANSNATIONAL CORPORATIONS TO UNDERTAKE EXPLORATION OR EXPLOITATION IN COMMON DEEP-SEA AREA.

3. REGARDING LANDLOCKED COUNTRIES, GOK DOES NOT OBJECT TO SUCH COUNTRIES SHARING IN LIVING RESOURCES (I.E., FISH) WITHIN 200-MILE ECONOMIC ZONE, BUT GOK OPPOSES SHARING MINERAL RESOURCES.

4. KIBINGE WOULD WELCOME FURTHER USG COMMENT REGARDING KENYAN POSITIONS OUTLINED PARAGRAPHS TWO AND THREE ABOVE. PLEASE RESPOND THROUGH EMBASSY NAIROBI. MARSHALL

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